

Applicant: Bill J. Coe
Serial No. 09/879,419
September 29, 2005

REMARKS

This Amendment is responsive to the Office Action dated March 29, 2005. Applicant has filed concurrently herewith a three (3) month Extension of Time, thereby extending the time for response to September 29, 2005. In that Action, Claims 1 – 24 were rejected as being indefinite under 35 Section 112, with regard to the phrase “whereby metal usage in the connecting is minimized”. Claims 1- 6, 10, 11, 17 and 22 - 24 were rejected under 35 U.S.C. Section 102, as being anticipated by Peterson et al. Claims 1, 7 – 10, 12 – 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Calthrop in view of Peterson and over Booth in view of Snyder and Peterson, and finally Peterson in view of Dennington.

Applicant respectfully requests the Examiner’s reconsideration of the objections and rejections and offers the foregoing amendments and following remarks in support thereof.

The phrase “whereby metal usage in the connecting is minimized” is an operative benefit of the invention, and a main focus of the patent specification and objective of the instant design. The soft link apparatus is intended to eliminate where possible the metal components of conventional parachute design and support links. This phrase references the purpose and benefit of Applicants design, and clarifies the previously recited structure. One skilled in the art would appreciate this characteristic, and therefore it is in compliance with 35 U.S. C Section 112.

APPLICANT’S U.S PATENT NO. 6,270,128

The instant application is a divisional of Applicant’s ‘128 Patent, entitled Method of Attaching a Soft Link For Connecting A Group of Parachute Suspension Lines To Harness Via

Applicant: Bill J. Coe
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September 29, 2005

Risers, which issued on August 7, 2001. It is significant to note that the instant case involves the same structure as disclosed in the '128 Patent, and used in Applicant's patented methods and claims. Not only was Applicant's method novel and patentable, Applicant's structure is likewise a significant advance in the parachute industry, and patentable in this art.

The Examiner is relying for the most part, both a primary and secondary reference, U.S. Patent No. 5,234,245 entitled RECYCLABLE STRAP FOR HANDLING EMPTY PLASTIC JUGS, issued to Peterson et al. The focus, teaching and suggestion of the Peterson et al reference is non-analogous art, which has no relevance to parachutes or Applicants instant invention. It does not address in any way a linkage system to parachute lines, load carrying capacities, harnesses, risers, aerodynamic forces, or any other aspect of the instant invention. The ' 245 Patent is not a "soft link" for parachutes, is not a soft link flexible body, and does not have a lump second end. Peterson et al therefore cannot be an anticipatory reference for the claims of record.

As Peterson is non-analogous art it is also an improper reference for a Section 103 rejection. The Federal Circuit has stated that:

"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned."

In re Oetiker, 977 F.2d 1443, 1446, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992). The Peterson patent relates to a strip or rope to make easier the handling of recyclable jugs. Peterson is not in the field of parachutes and canopies. The object of the Peterson patent was to provide an alternative to providing the jugs in a large holding container. Applicant's invention solves the problems of prior connector links requiring sewing and tools for attachment. Additionally, prior

Applicant: Bill J. Coe
Serial No. 09/879,419
September 29, 2005

links contained metal hardware. Applicant's invention was directed to overcoming all of these shortcomings of prior links. Peterson is not in any way, even extremely remotely, concerned with any of these shortcomings. Accordingly, Peterson fails both portions of the Federal Circuit for analogous art and is not a proper reference for a Section 103 rejection. One skilled in the art would never consider handling devices for plastic jugs, when design parachute linkage systems.

The novelty, utility and non-obviousness of Applicant's invention is demonstrated by the prior art of record. Neither Calthrop, Booth, Snyder and/or Dennington have any structure or function which relate to Applicant's invention, provide the claimed soft link or teach or suggest Applicant's structure as illustrated in Figures 1 through 13. The references the Examiner is relying on simply do not address the Applicant was concerned with, and therefore cannot provide Applicant's solution or designs.

Calthrop is not a one piece element like the present invention. This reference discloses multiple components and increases the manufacturing costs and being more complicated to assemble and use. Calthrop teaches the need for a complicated structure, it in fact teaches away from the present invention.

As previously argued by Applicant, Calthrop is directed to a specially designed safety spring sling, which includes an extensible member that acts as a shock absorbing device. The suspension lines are directly connected to safety hook 4 and the harness is directly connected to safety hook 5. Accordingly, the entire teaching and purpose of Calthrop is contained within the portion that the Examiner is eliminating by the proposed substitution with the Peterson structure. Thus, the proposed combination destroys the entire teaching of the Calthrop reference and is improper.

The Examiner's proposed combination would destroy the entire purpose and claimed invention of the Calthrop reference. No shock absorbing device would remain with the

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Serial No. 09/879,419
September 29, 2005

Examiner's proposed combination. Even more importantly, there is no teaching or suggestion whatsoever to combine the references in the manner proposed.

Applicant also incorporates by reference its other previous arguments regarding the Calthrop and Peterson references. Accordingly, Applicant respectfully traverses the rejection of claims under 35 U.S.C. §103(a) as being unpatentable over Calthrop in view of Peterson.

Claims 1, 8-10, 13, 14, 17, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Booth in view of Snyder and Peterson. The invention in Booth is not directed to the attachment of the bridle cord to the pilot chute and canopy. Rather, Booth provides a complicated structure to deploy the main chute by the pilot chute.

As Applicant has emphasized, Booth also actually teaches away from the claimed invention, as it discloses a complex device having multiple parts and pieces which can fail with disastrous and tragic results. Moreover, Booth teaches a cone (14) on a flap (26) for a parachute pack (10). There is no corresponding structure on the claimed device. Applicant also again respectfully disagrees with the Examiner's statement that Snyder discloses a parachute having a bridle cord. A "bridle cord" is a line that connects a pilot chute to the canopy. Snyder has nothing to do with bridle cords. Rather, Snyder teaches of a canopy design that eliminates the bottom sheet for better glide efficiency and reduced bulk.

Thus, there can be no motivation in Booth, Snyder or Peterson for the Examiner's proposed modifications. Applicant also incorporates by reference its above remarks regarding Applicant's U.S. Patent No. 6,270, 128 and the Peterson reference and its previous remarks regarding the Booth, Snyder and Peterson references from prior Amendments for this

Applicant: Bill J. Coe
Serial No. 09/879,419
September 29, 2005

Application. Accordingly, Applicant respectfully requests reconsideration of the rejection of claims under 35 U.S.C. §103(a) as being unpatentable over Booth in view of Snyder and Peterson.

Claims 15, 16 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Calthrop in view of Peterson and further in view of Dennington. As Calthrop and Peterson are not proper combinations and do not teach or suggest Applicants claimed invention, Dennington cannot remedy the deficiencies of the primary and secondary references. Further, and in contradistinction to the present invention, Dennington requires metal pieces (30, 64, 48) which can wear and fatigue. The Examiner even noted the relevant pieces in the Office Action. The present invention actually teaches away from the use of metals in parachute linkages.

Applicant urges the Examiner to reconsider the claims presented, and deficiencies of the references of record. There is no reference(s), either alone or combination with any other reference(s), which teach or suggest Applicant's claimed soft linkage system or structure. These references were not meant to address the problems which Applicant was concerned with, and therefore do not provide the solution or Applicant's unique design. The references in fact are incompatible and the combination would frustrate and destroy their respective purposes and structure.

Applicant has not entered new matter in the additional drawings provided, but has clarified the original disclosure, written description, claims and drawings. There are no new elements claimed, and the drawings also reflect the current state of the art. to illustrate the respectfully disagrees with the Examiner's objections to the drawings. The figures merely

Applicant: Bill J. Coe
Serial No. 09/879,419
September 29, 2005

provide conventional devices known by those skilled in the art of parachute manufacturing. The circular element next to element 110 in Figures 16 and 17 are believed to be conventional rings and do not form part of the claimed invention. If the Examiner would prefer that the circular elements be removed to overcome the drawing objection, Applicant will make appropriate revisions to the drawings.

Applicant has addressed the matters raised in the Office Action dated March 29, 2005.

Applicant respectfully requests the Examiner's reconsideration of the claims of record in view of this Amendment and Remarks. It is believed that this case is in condition for allowance, and Applicant respectfully requests action to that end.

Should the Examiner have any remaining questions or comments, the undersigned would request a telephone conference to possibly expedite this case.

If there are any additional charges, including extension of time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,



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Serial Number: 09/879,419

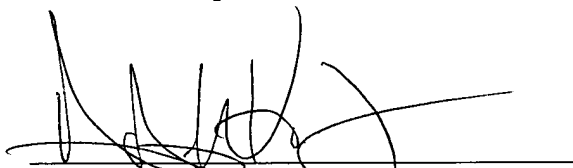
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CERTIFICATE OF EXPRESS MAIL

I HEREBY CERTIFY that the following correspondence: Request for a Three-Month Extension of Time; a Check in the Amount of \$510.00 for the required fee; Amendment Transmittal Letter (in duplicate); Amendment; and a Return Postcard for confirmation of receipt, is being deposited with the United States Postal Service as Express Mail No. EV 446569559 US, addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on this 29th day of September, 2005.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Any additional charges, including extension of time, please bill our Account No. 13-1130.


Dedi L. Whitman / Paralegal

Date: September 29, 2005

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